

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EVERSON R. FRANCIS,

Plaintiff,

v.

Case No. 09-13455

HERITAGE GLEN TOWNHOUSE, ET AL.,

Defendants.

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED
AND STAYING BRIEFING**

On September 24, 2009, the court granted Plaintiff's application to proceed in forma pauperis. (9/24/2009 Order.) In Plaintiff's application, he indicated that he had no income and no assets other than \$300, and that he provided \$100 per week in support to his son, Kamari Miller. On October 1, 2009, in a companion case, the Honorable Judge Rosen denied Plaintiff's application to proceed in forma pauperis. (Case No. 09-13671, 10/1/2009 Order.) In that application to proceed in forma pauperis, filed fifteen days after the application filed in this case, Plaintiff alleged that he had no income, no assets, and an obligation to pay \$400 per month to support Kamari Miller. In a well-reasoned and persuasive order, however, Judge Rosen doubted the veracity of Plaintiff's assertion of indigency. Judge Rosen noted that Plaintiff's complaint, in Case No. 09-13671, alleged that he was enrolled as a student; that he occupies an apartment; and that he had received student loans. The court questioned how Plaintiff "has been able to meet his basic subsistence needs over the past year (and the needs of an apparent dependent) without the benefit of any money from any

source.” The court therefore denied his application to proceed in forma pauperis. In light of Judge Rosen’s reasoning and the information pleaded by Plaintiff in the companion case, this court now questions the veracity of Plaintiff’s claim of indigency. Under 28 U.S.C. § 1915(e)(2)(A) “the court shall dismiss the case at anytime if the court determines that . . . the allegation of poverty is untrue.” The court will therefore order Plaintiff to show cause as to why this case should not be dismissed because of an untrue allegation of poverty. Accordingly,

Plaintiff Everson R. Francis IS ORDERED TO SHOW CAUSE in writing, on or before **November 25, 2009**, why this case should not be dismissed because of an untrue allegation of poverty. If Plaintiff fails to show cause the court will be required to dismiss the case pursuant to 28 U.S.C. § 1915(e)(2)(A).

IT IS FURTHER ORDERED that briefing on all pending motions shall be stayed until resolution of this Order.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 10, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 10, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522